

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

MICAH WASHINGTON,)
JACORIEN HENRY, and)
TORIS HOWARD, as Next of Kin to)
Minor S.W.,)
Plaintiffs,)
v.) CASE NO.: 7:25-cv-00138-ACA
CITY OF REFORM, DANA)
ELMORE, and JODY ELMORE,)
Defendants.)

**PLAINTIFF'S RESPONSE TO DEFENDANT CITY OF REFORM'S
MOTION FOR A MORE DEFINITE STATEMENT AND MOTION
FOR LEAVE TO FILE AMENDED COMPLAINT**

COME NOW, the Plaintiffs, by and through the undersigned counsel, and files this Response to Defendant City of Reform's Motion for a More Definite Statement as ordered by this Honorable Court (Docs. 6, 9). Additionally, Plaintiffs seek leave to file an Amended Complaint in this matter. In support thereof, Plaintiffs state as follows:

1. On April 3, 2025, this Honorable Court ordered Plaintiffs "to file a notice identifying the capacity in which Officer Dana Elmore and Deputy Jody Elmore are sued for each count. . ." (Doc. 9).

2. Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs respectfully request this Honorable Court grant them leave to file an Amended Complaint to properly identify the capacity in which each Defendant is being sued and to add additional causes of actions.
3. Because all parties have not filed responsive pleadings to the Complaint, Plaintiffs aver that filing an Amended Complaint will not cause unnecessary delay or prejudice to Defendants.
4. Plaintiffs have attached the proposed Amended Complaint hereto as Exhibit A.
5. However, if this Honorable Court does not grant Plaintiffs leave to amend the complaint, Plaintiffs are suing Defendants Dana Elmore and Jody Elmore in the following capacities for each count as they appear in the *initial complaint*:
 - Count I (Excessive Force): This count applies to Defendant Dana Elmore in her individual and official capacities.
 - Count II (Unreasonable Search and Seizure): This count applies to Defendant Dana Elmore in her individual and official capacities.
 - Count III (Unreasonable Search and Seizure): This count applies to both Defendants Dana Elmore and Jody Elmore in their individual and official capacities.

- Count IV: (Unreasonable Search and Seizure): This count applies to both Defendants Dana Elmore and Jody Elmore in their individual and official capacities.
- Count V (Malicious Prosecution): This count applies to Defendant Dana Elmore in her individual capacity.
- Count VI (Malicious Prosecution): This count applies to Defendant Dana Elmore in her individual capacity.
- Count VII (Deliberate Indifference): This count applies to Defendant Dana Elmore in her individual and official capacities.
- Count IX (Negligence): This count applies to both Defendants Dana Elmore and Jody Elmore in their individual and official capacities.
- Count X (Wantonness): This count applies to Defendant Dana Elmore in her individual and official capacities.
- Count XI (Assault and Battery): This count applies to Defendant Dana Elmore in her individual and official capacities.
- Count XII (False Imprisonment): This count applies to Defendant Dana Elmore in her individual capacity.
- Count XIII (False Imprisonment): This count applies to both Defendants Dana Elmore and Jody Elmore in their individual capacities.

- Count XIV (False Imprisonment): This count applies to both Defendants Dana Elmore and Jody Elmore in their individual capacities.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request this Honorable Court grants them leave to file the attached Amended Complaint in this matter.

Submitted on this 10th day of April 2025.

Respectfully submitted,

/s/ Kristen E. Gochett
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of April 2025, I have served the foregoing upon all parties to this proceeding by filing this motion with the Clerk of the Court using the CM/ECF electronic filing system, which will send notification of such filing to all CM/ECF registrants and via U.S. Mail to all non-registrants.

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